

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAURICE PATRICK,

Plaintiff,

VS.

CITY OF PASCO,

Defendant.

No. CV-10-5050-LRS

ORDER OF DISMISSAL

On May 11, 2010, the Plaintiff's *pro se* Complaint was filed *in forma pauperis*.

pauperis. (Ct. Rec. 4). This Complaint is essentially identical to the Complaint filed by Plaintiff in CV-10-5032-LRS which the undersigned dismissed with prejudice in an order filed March 29, 2010 (Ct. Rec. 5 in CV-10-5032), and which the undersigned declined to reconsider in an order filed April 28, 2010 (Ct. Rec. 10). In addition to taking an appeal of that dismissal to the Ninth Circuit Court of Appeals, Plaintiff has re-filed the same Complaint in the captioned matter. This is improper and frivolous, if not malicious. Accordingly, the captioned action is **DISMISSED with prejudice *sua sponte*** pursuant to 28 U.S.C. Section 1915(e)(2). This court hereby certifies that any appeal taken from this order is not in good faith. 28 U.S.C. Section 1915(a)(3).

The court has inherent power to restrict a litigant's ability to commence abusive litigation *in forma pauperis*. *In re Demos*, 925 F.2d 1160, 1161 (9th Cir. 1991). An order restricting future court filings must comply with the following requirements: 1) the Plaintiff must be given notice and the opportunity to oppose

1 entry of the order; 2) the district court must indicate what court filings support
2 issuance of the order; 3) the court must find the filings frivolous or harassing; 4)
3 the order must be narrowly tailored to curb the abuses of the particular litigant.

4 *DeLong v. Hennessey*, 912 F.2d 1144, 1146 (9th Cir. 1990).

5 Within ten (10) days of the date of this order, Plaintiff shall file a
6 memorandum with the court showing cause why the court should not issue a “pre-
7 filing review order” which would require that before Plaintiff could proceed *pro se*
8 and file any other complaints in the Eastern District of Washington, he would have
9 to submit the same to this court for review in order to insure the complaint is not
10 legally frivolous or malicious. This memorandum shall be no more than 10 pages
11 in length.

12 **FAILURE TO FILE A MEMORANDUM WITHIN THE TIME**
13 **SPECIFIED WILL RESULT IN ISSUANCE OF THE PRE-FILING**
14 **REVIEW ORDER. PENDING THE COURT'S SHOW CAUSE**
15 **DETERMINATION, THE CLERK'S OFFICE SHALL NOT ACCEPT ANY**
16 **FURTHER COMPLAINTS FROM THE PLAINTIFF, BUT SHALL**
17 **FORWARD THE SAME TO THIS COURT'S CHAMBERS FOR REVIEW.**

18 **IT IS SO ORDERED.** The District Executive shall enter judgment
19 accordingly and forward copies of the judgment and this order to the Plaintiff.

20 **DATED** this 14th of May, 2010.

21 *s/Lonny R. Sukko*

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23 LONNY R. SUKO
Chief United States District Judge